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Human rights situations that require the Council's attention

Role and achievements of the Office of the United Nations High Commissioner for Human Rights with regard to the situation of human rights in the Democratic People's Republic of Korea

Report of the Office of the United Nations High Commissioner for Human Rights*

Summary

The present report, submitted pursuant to Human Rights Council resolution 28/22, provides updated information about the situation of human rights in the Democratic People's Republic of Korea and the activities of the Office of the United Nations High Commissioner for Human Rights in Seoul between 1 April and 31 December 2015.

* The present report was submitted after the deadline in order to reflect the most recent developments.

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I. Introduction

1. On 28 March 2014, the Human Rights Council adopted resolution 25/25, in which it requested the Office of the United Nations High Commissioner for Human Rights (OHCHR) to establish a field-based structure to follow up on the recommendations made in the report of the commission of inquiry on human rights in the Democratic People's Republic of Korea (see A/HRC/25/63), and to provide the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea with increased support. In the resolution, the Council mandated the field-based structure to strengthen monitoring and documentation of the situation of human rights in the Democratic People's Republic of Korea, to ensure accountability, to enhance engagement and capacity-building with the Governments of all States concerned, civil society and other stakeholders, and to maintain visibility of the situation of human rights in the Democratic People's Republic of Korea, including through sustained communications, advocacy and outreach initiatives.

2. The present report is submitted pursuant to Human Rights Council resolution 28/22, in which the Council requested OHCHR to submit a comprehensive report at its thirty-first session on the role and achievements of the Office, including on the field-based structure, with respect to the situation of human rights in the Democratic People's Republic of Korea. The report covers the period from 1 April to 31 December 2015.

3. On 22 May 2015, the Government of the Republic of Korea signed an interim host country agreement with OHCHR for the establishment of the field-based structure in Seoul. The High Commissioner formally opened OHCHR (Seoul) on 23 June 2015.

4. During the reporting period, OHCHR was not granted access to the Democratic People's Republic of Korea. Thus, the information contained in the report is gathered from various reliable sources, including Governments, non-governmental organizations (NGOs), academics and individuals who have left the Democratic People's Republic of Korea. Information contained in the report was cross-checked to the extent possible. However, the lack of access of independent human rights monitors to the Democratic People's Republic of Korea is a challenge to independent verification.

II. Regional and political context

5. Despite reports of an improving economy, particularly in Pyongyang, the political and economic situation in the Democratic People's Republic of Korea remains fragile. The risk of increased regional tensions is exacerbated by the fact that no progress has been made on issues affecting the region at large, including the alleged abduction of Japanese nationals by the Government of the Democratic People's Republic of Korea.

6. The leadership of the Democratic People's Republic of Korea continues to focus on enhancing its military capability, which has been the central aspect of its communication with the population and with the outside world. The prioritization of military expenditure is the most visible demonstration of an inadequate use of resources in a country that depends on humanitarian assistance.

7. In 2015, there were reports of a continued practice of institutional purges and sanctions targeting some members of the political leadership. The most recent example has been the reported "re-education" sentence that was received for unknown reasons by the Secretary of the Workers' Party, Choe Ryong Hae, in November 2015.

8. In August 2015, tensions escalated between the Democratic People's Republic of Korea and the Republic of Korea after two soldiers from the Republic of Korea were seriously injured by landmines on 4 August in the demilitarized zone. On 25 August, the

Government of the Democratic People's Republic of Korea and the Government of the Republic of Korea reached an agreement in which the former expressed regret over the mine explosion and committed to lifting the state of "semi-war" that it had declared, while the latter agreed to stop broadcasting propaganda over loudspeaker along the demilitarized zone. The two Governments also agreed to hold further talks to improve ties, resume family reunions and encourage exchanges between NGOs in various fields. Family reunions took place from 20 to 26 October 2015 (see para. 38 below).

9. On 30 October 2015, the Korean Central News Agency, the official news outlet of the Democratic People's Republic of Korea, announced that the Central Committee of the Korean Workers' Party had decided to organize the seventh Workers' Party Congress in May 2016, the first congress of the Party since October 1980. The Congress will help indicate the future direction of public policy, and it may lead to the adoption of new regulations or the appointment of new officials.

III. Cooperation of the Government of the Democratic People's Republic of Korea with the United Nations, including international human rights mechanisms, on the promotion and protection of human rights

10. In September 2015, discussions on possible steps towards technical cooperation between the Democratic People's Republic of Korea and OHCHR resumed. In December 2014, the Government had decided to suspend such talks, following the adoption of General Assembly resolution 69/188 and the Security Council meeting on 22 December on human rights in the Democratic People's Republic of Korea.

11. On 21 September 2015, during the thirtieth session of the Human Rights Council, and as decided by the Council in its resolution 28/22, OHCHR organized a panel discussion on the situation of human rights in the Democratic People's Republic of Korea, including the issue of international abductions, enforced disappearances and related matters. Many Member States expressed support for the steps taken by OHCHR to implement the recommendations of the commission of inquiry on human rights in the Democratic People's Republic of Korea, including the establishment of OHCHR (Seoul). The Government of the Democratic People's Republic of Korea expressed disagreement with the holding of the panel, stating that it constituted a politically motivated attempt to change the political system of its country. Some Member States expressed opposition to the country-specific nature of the panel, and pointed to the universal periodic review as the suitable forum for country-specific discussions.

12. OHCHR has been seeking to engage with the Government of the Democratic People's Republic of Korea to discuss human rights. In late 2015, the Government gave signs that it was making efforts in that regard. In particular, the High Commissioner welcomes the invitation to visit the country that was extended by the Minister of Foreign Affairs in September 2015.

13. On 10 December 2015, the Security Council held a debate on the situation of human rights in the Democratic People's Republic of Korea. The High Commissioner was invited to brief the Council and recalled the ongoing nature of serious human rights violations in the country. He emphasized that accountability must go hand in hand with an open dialogue to encourage the Government to undertake reforms. The Government of the Democratic

People's Republic of Korea issued a statement in which it strongly denounced the convocation of the debate.[1]

14. On 17 December 2015, the General Assembly adopted resolution 70/172 (119 Member States voted in favour, 19 against and 48 abstained). In line with resolution 69/188, the Assembly encouraged the Security Council to continue its consideration of the relevant conclusions and recommendations of the commission of inquiry and take appropriate action to ensure accountability, including through consideration of referral of the situation in the Democratic People's Republic of Korea to the International Criminal Court and consideration of the scope for targeted sanctions against those who appear to be most responsible for acts that the commission has said may constitute crimes against humanity.

15. The Democratic People's Republic of Korea is party to four international human rights treaties: the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child. In November 2014, the Government ratified the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. In September 2014, it accepted recommendations made in the context of the universal periodic review to expedite the ratification of the Convention on the Rights of Persons with Disabilities, which it had signed in July 2013.

16. In 2014, the Government accepted 113 of the 268 recommendations received during the second cycle of the universal periodic review, as well as 81 recommendations from the first review. They included recommendations to submit reports to United Nations human rights treaty bodies, notably the Committee on the Rights of the Child and the Committee on the Elimination of Discrimination against Women. OHCHR has offered to provide technical assistance to facilitate the implementation of the accepted recommendations. Other accepted recommendations relate to economic and social rights, the rights of women and children, human rights education, a rights-based approach to development and family reunification.

17. The mandate of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea was established in 2004 by the United Nations Commission on Human Rights. The current mandate holder is Marzuki Darusman, whose term expires in July 2016. None of the successive Special Rapporteurs has been granted access to visit the Democratic People's Republic of Korea. In addition, at the end of 2015, requests from five special procedures to visit the country remained unanswered.[2] The Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea conducted two visits to Seoul during the period covered in the present report, from 7 to 10 September 2015 and from 23 to 27 November.

[1] Democratic People's Republic of Korea, *DPRK will counter US anti-DPRK "human rights" racket with tough stand*. See www.uriminzokkiri.com/index.php?ptype=gisa3&no=216959&pagenum=29 (available in Korean only).

[2] The following special procedures have issued requests to visit the country: the Special Rapporteur on freedom of religion or belief, in 1999; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, in 2002; the Special Rapporteur on the right to food, in 2009; the Working Group on Arbitrary Detention, in 2015; and the Working Group on Enforced or Involuntary Disappearances, in 2015.

IV. Overview of the situation of human rights

A. Rights to life, liberty and security of the person

18. During the period under review, OHCHR received reports of executions, apparently amounting to arbitrary executions. The Criminal Code of the Democratic People's Republic of Korea prescribes the death penalty for a wide range of offences, as do, reportedly, several promulgations and instructions issued by the political leadership.

19. In May 2015, the then Minister of Defence, Hyon Yong Choi, was reported to have been executed for alleged treason. In August, it was reported that Vice Premier, Choe Yong Gon, had been executed in May 2015 for expressing disagreement with the Supreme Leader over the forestation policy. Owing to the lack of information on those executions and the use of capital punishment in general, it is extremely difficult to verify such reports.

20. Reports that particularly cruel methods, including anti-aircraft guns, are used to carry out executions raise additional serious concerns. In April 2015, the Committee for Human Rights in North Korea, an NGO based in Washington, D.C., released satellite images allegedly showing the execution in October 2014 of several officers by anti-aircraft machine guns.[3]

21. The Korea Institute for National Unification has noted a remarkable rise over the past few years in the use of the death penalty in the Democratic People's Republic of Korea for watching or distributing videos from the Republic of Korea and for smuggling or trafficking narcotics.[4] OHCHR received reports that three women were executed in August 2015 in Hyesan City, Ryanggang Province, allegedly for using their mobile phones to watch and distribute soap operas from the Republic of Korea. The executions were allegedly carried out to set an example and deter the viewing of foreign materials, which are considered to be illegal. Although that was an extreme case, it was reportedly part of a trend towards harsher punishments for those illegally accessing news sources and other foreign materials.

22. Large political prison camps appear to remain in operation in at least four locations.[5] There were credible reports of poor conditions in political prisons and other places of detention and imprisonment. Conditions were reportedly particularly severe in temporary detention centres where suspects were allegedly held at the early stage of their arrest. Some victims reported to OHCHR that they were forced to sit in a restricted position for hours and threatened with physical punishment if they moved. They also reported that access to food was grossly insufficient, with many detainees depending for their survival on their relatives bringing food. Former detainees also reported a lack of access to independent lawyers.

23. Moreover, ill-treatment and torture is reportedly routinely used during the initial interrogation stage, apparently with the aim of obtaining a confession that conforms to the authorities' version of events. Information gathered by OHCHR from various sources referred to cases of beating and kicking, sleep deprivation and verbal abuse. Cases were also reported of solitary confinement for several days in a cell so small that the detainee was unable to sit down.

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[3] See www.hrnkinsider.org/2015/04/unusual-activity-at-kanggon-military.html.

[4] Korea Institute for National Unification, *White Paper on Human Rights in North Korea 2015*, p. 16. Available at www.kinu.or.kr/eng/pub/pub_04_01.jsp.

[5] See www.hrnk.org/uploads/pdfs/Hawk_HiddenGulag4_FINAL.pdf.

24. On the occasions of the seventieth anniversary of the liberation from Japanese colonial rule, in August 2015, and of the foundation day of the Workers' Party, in October 2015, the Government reportedly released a large number of prisoners. However, allegedly that did not appear to include political prisoners. In 2015, the Government repatriated at least four nationals of the Republic of Korea who had been detained in the Democratic People's Republic of Korea. Two citizens of the Republic of Korea who had been convicted for espionage in June 2015 reportedly continued to serve life sentences, as did a third citizen of the Republic of Korea who had been sentenced to life imprisonment in 2014 for espionage and setting up an underground church. The three individuals were reportedly missionaries. In December 2015, a Canadian pastor, Hyeon Soo Lim, was reportedly convicted of crimes against the State and sentenced to life imprisonment with hard labour.

B. Rights to freedom of expression, peaceful assembly and freedom of association

25. Severe restrictions on the rights to freedom of expression, including the right to information, peaceful assembly and freedom of association remained in place. While article 67 of the Constitution of the Democratic People's Republic of Korea guarantees citizens "freedom of speech, press, assembly, demonstration and association", in practice, there is no protection for those rights. In their annual report on global Internet usage for 2014, the International Telecommunication Union (ITU) and the United Nations Educational, Scientific and Cultural Organization (UNESCO) ranked the Democratic People's Republic of Korea at the bottom of 191 countries, with a zero percentage of individuals using the Internet.[6]

26. Some external bodies took steps to improve access to information inside the Democratic People's Republic of Korea. For example, in November 2015, the British Broadcasting Corporation announced plans to expand its radio coverage to the country. Several radio stations based in Seoul, some of which are staffed with people who have left the Democratic People's Republic of Korea, continued to broadcast programmes for the Democratic People's Republic of Korea. The audience for those programmes is reportedly significant, particularly in the border regions, but no official data can be obtained on the number of listeners. That is in part owing to the difficulty of conducting surveys inside the Democratic People's Republic of Korea and to the risk of persecution that listeners face if they are caught by the authorities.

27. During the reporting period, there appears to have been an increased crackdown by the authorities on the clandestine use of Chinese mobile phones along the border with China. Where it was previously reportedly relatively easy to communicate with the outside world through such mobile phones, interference with mobile phone signals has reportedly become more effective. There were credible reports that conversations on mobile phones with those inside the country were becoming more infrequent even compared to 2014. When they take place, conversations on mobile phones reportedly tend to end quickly as users fear being detected by the authorities.

[6] ITU and UNESCO, *The State of Broadband 2015: Broadband as a Foundation for Sustainable Development* (Geneva, ITU and UNESCO, 2015), annex 5. Available at www.broadbandcommission.org/documents/reports/bb-annualreport2015.pdf.

C. Freedom of movement and the right to seek asylum

28. In order to travel within the Democratic People's Republic of Korea, citizens are required to obtain a permit from local authorities. Such permits are said to be valid for only one trip, for which the destination and purpose must be explicitly clarified. Some individuals are reportedly able to circumvent that requirement by paying bribes.

29. Citizens of the Democratic People's Republic of Korea are also prohibited from leaving the country without permission. Information from people who have left the country indicates that controls along the border between the Democratic People's Republic of Korea and China have tightened since 2011. That information appears to be supported by a notable decrease in the number of nationals of the Democratic People's Republic of Korea who reach the Republic of Korea. In 2015, some 1,276 persons reportedly arrived in the Republic of Korea (80 per cent of them women), as opposed to 1,397 in 2014. Other factors, such as the rotation of guards along the border, the reported increase in the cost of engaging a broker to secure passage and, in some areas, possible increased economic opportunities domestically, may have contributed to the decrease. Some people also partly attribute the situation to increasing difficulties with mobile communications, which makes it problematic to arrange brokers. In 2014, the authorities reportedly warned residents in the border areas that they and their families would face severe punishment for assisting individuals who were planning or attempting to cross the border, or for failing to report such cases.

30. In past years, a large number of brokers, many of them operating mainly for financial gain, have assisted citizens of the Democratic People's Republic of Korea to cross the border. The fees charged by brokers have reportedly increased as movement across the border has become more difficult. Additionally, women who wish to leave the Democratic People's Republic of Korea with the assistance of a broker remain vulnerable to human trafficking, which, unlike passage using a broker, is coercive. Reportedly, some women were indeed subjected to trafficking in that context.

31. Individuals repatriated to the Democratic People's Republic of Korea from China and other counties are at risk of prolonged unlawful detention, ill-treatment and torture. Those found to have sought to defect to the Republic of Korea or to have been in communication with Christian organizations suffer particularly harsh punishment and risk imprisonment in political prison camps, as they are regarded as having committed particularly serious political crimes.

32. Despite the risk of torture and other violations facing those who are returned to the country, some neighbouring States have refouled refugees to the Democratic People's Republic of Korea. On 22 October 2015, a group of nine refugees, including an infant and a teenager, were arrested in Viet Nam and transferred to China. They were reportedly transferred to a town close to the border with the Democratic People's Republic of Korea, indicating that they were at risk of being forcibly repatriated.[7] In a statement issued on 3 December 2015, the Government of China reiterated that it considered those who had fled the Democratic People's Republic of Korea as illegal immigrants rather than refugees.

33. The Committee against Torture, in its concluding observations on the fifth periodic report of China, expressed concern at the rigorous policy of China of forcibly repatriating all nationals of the Democratic People's Republic of Korea on the ground that they had illegally crossed the border solely for economic reasons. The Committee took note of over 100 testimonies received by United Nations sources indicating that persons forcibly

[7] See http://ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16784&LangID=E.

repatriated to the Democratic People's Republic of Korea had been systematically subjected to torture and ill-treatment. The Committee recommended that the Government of China should immediately cease forcible repatriation of undocumented migrants and victims of trafficking to the Democratic People's Republic of Korea, and allow personnel of the Office of the United Nations High Commissioner for Refugees unimpeded access to nationals of the Democratic People's Republic of Korea who had crossed the border, in order to determine if they qualified for refugee status (see CAT/C/CHN/CO/5, paras. 46 and 47).

34. While illegal crossings at the border have declined, from January to September 2015, some 139,700 citizens of the Democratic People's Republic of Korea, 117,900 of whom were male, reportedly crossed legally into China. Such international travel requires permission from the Government of the Democratic People's Republic of Korea.[8] Tens of thousands of workers have reportedly been contracted by the Government of the Democratic People's Republic of Korea to work in foreign companies in China, the Russian Federation and other countries, mostly in construction and other manual jobs. Those workers reportedly live in poor conditions, are subject to lengthy working hours and oversight and limitations on their movement. They reportedly receive only a fraction of their pay, as the hiring companies pay the Government of the Democratic People's Republic of Korea directly.

D. Discrimination against women

35. Discrimination against women continued to limit their full participation in economic and social life. Married women are traditionally exempted from holding official jobs. Following the surge of private economic activities in the late 1990s, most such activities have been carried out by married women. They can more easily engage in the informal market and in informal trade because, unlike men, they do not have to take up official State employment. Thus, women who engage in cross-border trading activities with China have reportedly been disproportionately affected by restrictions at the border area.

36. There were credible reports of trafficking in women from the Democratic People's Republic of Korea into China. In some cases, that reportedly resulted in forced marriage to Chinese men and other forms of sexual exploitation. Those women are extremely vulnerable in China; they are at a constant risk of forced repatriation to the Democratic People's Republic of Korea. Children born to those women and fathered by Chinese men are stateless as they are recognized by neither of the Governments of their parents' countries. The women rarely have family support to draw on, and their illegal status and fear of being returned to the Democratic People's Republic of Korea make them highly unlikely to contact the authorities if they or their children are abused.

37. Pregnant women who were returned to the Democratic People's Republic of Korea were reportedly detained and forced to have abortions. In most cases, abortions were reportedly carried out to prevent the women from giving birth to children that were half Chinese.[9]

[8] See http://en.cnta.gov.cn/Statistics/TourismStatistics/201511/t20151104_750749.shtml.

[9] Korea Institute for National Unification, *White Paper on Human Rights in North Korea 2015*, p. 108. Available at www.kinu.or.kr/eng/pub/pub_04_01.jsp.

E. Separated families

38. From 20 to 26 October 2015, the Governments of the Democratic People's Republic of Korea and the Republic of Korea organized family reunions, pursuant to their 25 August 2015 agreement. During the reunions, around 90 individuals from the Republic of Korea and 96 individuals from the Democratic People's Republic of Korea met with relatives from the other country.

39. The Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea has recommended that the Government allow separated families to reunite without delay and to use unmonitored communication facilities, such as telephone, mail and e-mail (see A/70/362, para. 81 (f)). The issue of separated families calls for an urgent resolution. The remaining family members on each side of the border are elderly, and in the Republic of Korea alone, over 60,000 people have died without having had a chance to be reunited with or to see their loved ones. The current format of reunion, which allows people to meet for only a few hours, with no hope of ongoing contact or meeting again, is a source of psychological suffering. The separation of families must be seen as not only a humanitarian issue, but also a violation of human rights affecting people at multiple levels, including the rights to family life, to freedom of movement and to the truth.

F. International abductions

40. It is estimated that between 80,000 and 100,000 civilians were abducted from the southern part of the Korean peninsula to the north during the Korean War. In addition, after the armistice, the Government of the Democratic People's Republic of Korea carried out international abductions, primarily in the Republic of Korea and Japan, although a number of individuals were reportedly abducted from other countries. The Government of the Republic of Korea estimates that some 500 persons who were abducted after the end of the Korean War remain in the Democratic People's Republic of Korea.

41. The Government of Japan has officially recognized 17 Japanese citizens as abductees, 5 of whom returned to Japan in 2002. In Japan, as of November 2015, national investigations continued into the fate of approximately 870 missing individuals in whose cases the possibility of abduction could not be ruled out. Relatives of victims, including the parents of Megumi Yokota, who was abducted from Japan in 1977 when she was 13 years old, met with representatives of OHCHR (Seoul) in October 2015 and conveyed information on their long-standing efforts to bring their loved ones back to Japan.

42. In late May 2014, the Governments of the Democratic People's Republic of Korea and Japan agreed to take steps towards resolving the issue of Japanese nationals who had been abducted, to identify and return the remains of those who had died in the jurisdiction of the Democratic People's Republic of Korea, and to address the case of Japanese spouses who had accompanied their husband or wife to the Democratic People's Republic of Korea. The Government of the Democratic People's Republic of Korea agreed to establish a special investigation committee to conduct comprehensive investigations, while the Government of Japan agreed to lift some bilateral sanctions. However, as at December 2015, the outcome of the investigation by the committee had not been published.

43. During its sessions in March and May 2015, the Working Group on Enforced or Involuntary Disappearances transmitted six cases of alleged abductions to the Government of the Democratic People's Republic of Korea (see A/HRC/WGEID/105/1, para. 36, and A/HRC/WGEID/106/1, para. 22). The victims of the alleged abductions reportedly disappeared in 2003 and 2011. As at December 2015, the Government had not responded to those letters of allegation.

V. Activities of the Office of the United Nations High Commissioner for Human Rights

A. Establishment of the Office of the United Nations High Commissioner for Human Rights in Seoul

44. On 28 March 2014, the Human Rights Council adopted resolution 25/25, in which it requested OHCHR to follow up urgently on the recommendations made by the commission of inquiry on human rights in the Democratic People's Republic of Korea in its report, and to provide the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea with increased support, including through the establishment of a field-based structure.

45. In paragraph 10 of resolution 25/25, the Council mandated the field-based structure to strengthen monitoring and documentation of the situation of human rights in the Democratic People's Republic of Korea, to ensure accountability, to enhance engagement and capacity-building with the Governments of all States concerned, civil society and other stakeholders, and to maintain visibility of the situation of human rights in the Democratic People's Republic of Korea, including through sustained communications, advocacy and outreach initiatives.

46. On 22 May 2015, the Government of the Republic of Korea and OHCHR concluded an interim host country agreement for the establishment of the field-based structure in Seoul.

47. On 23 June 2015, the United Nations High Commissioner for Human Rights inaugurated the field-based structure in Seoul during his four-day visit to the Republic of Korea; he also met with government officials, representatives of civil society and people who had left the Democratic People's Republic of Korea. During his visit, the High Commissioner emphasized the importance of addressing fundamental human rights as an integral part of ensuring peace and stability in the Korean peninsula.

48. An initial team of human rights officers began implementing the mandate of OHCHR (Seoul) immediately after the inauguration of the office, which comprises six staff members: the office Representative and Deputy Representative, two human rights officers, one administrative member of staff and one interpreter.

49. OHCHR (Seoul) is funded from the regular budget of the United Nations and hosted by Seoul metropolitan government. Additional funding is sought to carry out core office activities outlined in Council resolution 25/25, including monitoring, capacity-building and outreach activities.

B. Activities of the Office of the United Nations High Commissioner for Human Rights in Seoul

50. In accordance with Council resolution 25/25, OHCHR (Seoul) has carried out monitoring and documentation of the situation of human rights in the Democratic People's Republic of Korea, outreach and capacity-building. It has been engaging with Governments, civil society and people who have left the Democratic People's Republic of Korea, as well as with United Nations entities and humanitarian workers operating inside the Democratic People's Republic of Korea, and other stakeholders.

51. The work of OHCHR (Seoul) builds on the work of the commission of inquiry. The field office has been gathering individual testimonies to contribute to possible future

accountability processes and other transitional justice mechanisms. As of December 2015, it had interviewed 35 individuals who have left the Democratic People's Republic of Korea.

52. During a mission to Japan, from 9 to 13 November 2015, staff from OHCHR (Seoul) met in Tokyo and Osaka with representatives of the Government and civil society, including researchers. They also met individuals who had left the Democratic People's Republic of Korea, and relatives of victims and of possible victims of abductions. In addition, they interviewed individuals who had left Japan for the Democratic People's Republic of Korea during the "Paradise on Earth" campaign, from 1958 to 1984, and had suffered serious human rights violations in that context.

53. OHCHR (Seoul) worked closely with Governments, the diplomatic community in Seoul, civil society and others to raise awareness of the human rights situation in the Democratic People's Republic of Korea. Office staff made presentations at civil society seminars, including a Korean Bar Association seminar on human rights in the Democratic People's Republic of Korea, on 30 June; the Asia Human Rights Forum on regional cooperation for transitional justice in Asia and human rights in North Korea, on 18 September; the North Korea Human Rights and Peace Forum at Seoul National University, on 1 October; the Seoul Dialogue for Human Rights, on 11 November; the United Nations human rights monitoring mechanisms and the Democratic People's Republic of Korea, organized by Human Asia, on 12 November; the Korean War Abductees Family Union Conference on Transitional Justice, on 30 November; and the tenth anniversary of the Radio Broadcasting for North Korea Initiative, on 10 December. Staff from the office also addressed the fourth North Korean Human Rights Forum in Europe, organized on 19 October in Spain by the Korea Institute for National Unification; and the International symposium on international cooperation towards resolution of the abduction issue, organized by the Government of Japan in Tokyo, on 12 December.

54. On 27 November 2015, the Representative of OHCHR (Seoul) addressed the third North Korean human rights symposium at the National Assembly of the Republic of Korea, organized by the Ministry of Justice, the National Assembly Human Rights Forum and the International Parliamentarians' Coalition for Asian Human Rights. The OHCHR Representative provided an overview of the work of the office and of its cooperation with the Government of the Republic of Korea.

55. On 10 December 2015, OHCHR (Seoul) organized an event in Seoul on human rights and separated families, gathering members of such families who spoke about the painful experience of separation, as elderly family members' health deteriorates and chances to be reunited with their loved ones decrease. Individuals whose relatives were abducted to the Democratic People's Republic of Korea described the challenges they faced after the abduction. Other speakers included representatives of the Ministry of Unification, university researchers and members of NGOs working with separated families, as well as the current and former ambassadors for human rights of the Republic of Korea. Those affected by the issue called for increased action at the national and multilateral levels to help resolve the problem.

56. On 14 December 2015, the Judicial Policy Research Institute of Korea and OHCHR (Seoul) co-hosted a seminar on human rights and legal assistance for individuals from the Democratic People's Republic of Korea. The event examined possibilities to move forward in legal approaches to addressing human rights violations in the Democratic People's Republic of Korea. Participants included representatives of the Government of the Republic of Korea, the diplomatic community and civil society.

57. OHCHR (Seoul) has been active on social media. Its website is available in English and Korean at seoul.ohchr.org and is regularly updated. OHCHR (Seoul) has also established several social media platforms. Its Twitter account (@UNrightsSeoul) and the

Facebook page have attracted more than 3,000 subscribers. The Representative of OHCHR (Seoul) has regularly conducted interviews with the media in the Republic of Korea and elsewhere.

VI. Conclusions and recommendations

A. Conclusions

58. **During the period under review, the human rights situation in the Democratic People's Republic of Korea remained of serious concern, with reports of arbitrary killings, torture and unlawful detention; continued discrimination and violence against women; and persistent and severe restrictions on freedoms of expression (including access to information), association and movement.**

59. **OHCHR (Seoul) began carrying out its mandate after its inauguration on 23 June 2015. Lack of access to the Democratic People's Republic of Korea is a major obstacle, and it is hoped that the invitation that has been extended to the High Commissioner to visit the country will constitute a first step towards addressing the issues of access and dialogue.**

B. Recommendations

60. **The High Commissioner recommends that the Government of the Democratic People's Republic of Korea:**

(a) **Engage constructively with the United Nations system, including OHCHR and its office in Seoul, and collaborate with OHCHR to develop a concrete plan of technical assistance for the promotion and protection of human rights in the country;**

(b) **Cooperate with United Nations human rights treaty bodies, including by submitting reports to the relevant treaty bodies;**

(c) **Invite the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea and other special procedure mandate holders to visit the country;**

(d) **Develop a strategy to implement the universal periodic review recommendations it has accepted, with support from OHCHR and other relevant bodies;**

(e) **Halt all executions and declare and implement a moratorium on the death penalty;**

(f) **Provide international humanitarian organizations and human rights monitors with unhindered access throughout the country, including to all places of detention;**

(g) **Dismantle all political prison camps and release all political prisoners;**

(h) **Provide the families and countries of origin of all individuals who have been abducted or forcibly disappeared with full information on their fate and whereabouts; allow survivors and their descendants to return immediately to their countries of origin; and identify and repatriate the physical remains of those who have died, working in close cooperation with their families and the authorities of their countries of origin;**

(i) Lift all restrictions on the rights to freedom of expression, peaceful assembly and freedom of association that are incompatible with international law, and decriminalize any acts that constitute the legitimate exercise of such rights, including gaining access to external sources of information through satellite television channels, foreign media and the Internet;

(j) Lift all restrictions and penalties on freedom of movement, including prosecution, extrajudicial punishment and torture, of those who seek to leave or have left the country without permission;

(k) Prosecute and bring to justice individuals responsible for alleged crimes against humanity; ratify the Rome Statute of the International Criminal Court; and ensure that victims of crimes against humanity and their families are provided with adequate, prompt and effective reparation and remedies, including telling them the truth about the violations concerned.

61. The High Commissioner recommends that the international community strictly adhere to the principle of non-refoulement. No country should repatriate individuals to the Democratic People's Republic of Korea, where they are likely to face torture or other serious human rights violations.